

DONALD W. COOK, CSB #116666
ATTORNEY AT LAW
3435 Wilshire Blvd., Ste. 2910
Los Angeles, CA 90010
(213) 252-9444 / (213) 252-0091 facsimile
E-mail: manncook@earthlink.net

Attorney for Plaintiff

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA**

CONNIE A. CARDINALE, an individual,

Plaintiff,

vs.

XAVIER BECERRA, an individual sued
in his official capacity only; SCOTT R.
JONES, an individual sued in his official
and individual capacities; COUNTY OF
SACRAMENTO, a governmental entity;
SACRAMENTO COUNTY SHERIFF'S
DEPARTMENT, a public entity;
CLINTON ROBINSON (#305), an
individual sued in his official and
individual capacities; and Does 1 through
20, all sued in their individual capacities

Defendants.

Case No. 2:20-cv-1325-MCE-
CKD

**JOINT STATUS
CONFERENCE RE
SETTLEMENT AND CASE
STATUS**


TO THE HON. MORRISON C. ENGLAND, JR., SR. UNITED STATES
DISTRICT JUDGE:

Pursuant to the Court's April 14, 2021 minute order (text only) (ECF 28) the
parties submit this joint status report in the aftermath of the June 15, 2021 settlement
conference before Magistrate Judge Carolyn K. Delaney.

[Signature of counsel on follow page]

1 DATED: June 24, 2021

2 **DONALD W. COOK**
3 Attorney for Plaintiff

4 
5 By _____
6 Donald W. Cook

7 DATED: June 24, 2021

8 **ROB BONTA**
9 Attorney General of California
10 **CATHERINE WOODBRIDGE**
11 Supervising Deputy Attorney General
12 Attorneys for Defendant Xavier Becerra

s/ John C. Bridges

13 By _____
14 John C. Bridges
15 Deputy Attorney General

16 DATED: June 24, 2021

17 **RIVERA HEWITT PAUL LLP**
18 Attorneys for Scott R. Jones, Clinton Robinson,
19 County of Sacramento and Sacramento County
20 Sheriff's Department

s/ Jonathan B. Paul

21 By _____
22 Jonathan B. Paul

CASE STATUS

On June 15, 2021, via video conference the parties appeared before Magistrate Judge Carolyn K. Delaney. Although the case did not settle the conference did result in the ultimate release and return to Plaintiff, of her six firearms (returned to Plaintiff on June 22, 2021). Consequently, Plaintiff's claim for injunctive relief (first cause of action, see ECF 1) is now moot. Additionally, because the only claim brought against defendant Xavier Becerra was for injunctive relief seeking the return of Plaintiff's firearms (see ECF 1, first cause of action), Plaintiff acknowledges that the former California Attorney General should be dismissed with prejudice. Plaintiff has offered to dismiss Xavier Becerra with prejudice as to the claims asserted in this case, but without prejudice to any state law damages claims Plaintiff may bring in state court against state officials; counsel for Xavier Becerra is considering the offer. If Plaintiff and defendant Becerra are unable to reach agreement on a dismissal, Plaintiff will file, pursuant to F.R.Cv.P. 41(a)(2), an *ex parte* a request to dismiss Xavier Becerra with prejudice (though without prejudice to possible state law damages claims filed in state court). There are no damages claims asserted against Xavier Becerra, and Plaintiff represents she has not filed in any court, a claim for damages against the State of California or any of its officials, employees or departments based on events giving rise to the present lawsuit.

Regarding the Sacramento defendants, the only claims now asserted against them are damages claims brought under 42 U.S.C. § 1983 and Cal. Civ. Code § 52.1(c) (ECF 1, second cause of action). Plaintiff states those damages claims are based on (a) unlawful seizure of Plaintiff's three long guns on December 25, 2019 without a warrant; (b) procurement and execution of an overbroad search warrant based on material and intentional factual misrepresentations (warrant executed December 26, 2021); (c) unreasonable execution of the warrant, causing significant damage to Plaintiff's property; and (d) wrongful refusal to return to Plaintiff in 2020

1 her firearms.

2
3 Regarding discovery status, on June 16, 2021, Plaintiff served on the
4 Sacramento defendants Plaintiff's first round of Rule 34 production requests and
5 Rule 36 requests for admissions. After securing defendants' responses Plaintiff will
6 seek the depositions of relevant Sacramento Sheriff's Department personnel.
7 Plaintiff intends to bring a Rule 56 summary adjudication motion challenging the
8 validity of the December 26, 2019 search warrant.

9 Regarding responsive pleadings, the County of Sacramento defendants
10 anticipate renewing their motion to dismiss the complaint and likewise anticipate
11 moving for summary judgment/adjudication upon any remaining claims following
12 undertaking written discovery and the deposition of plaintiff.
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28